

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DSM IP ASSETS, B.V. & DSM BIO-BASED
PRODUCTS & SERVICES, B.V.,

Plaintiffs and Counter-Defendants

ORDER

v.

16-cv-497-wmc

LALLEMAND SPECIALTIES, INC. &
MASCOMA LLC,

Defendants and Counterclaimants.

On the parties' deposition designations, counter-designations and objections as to Aaron Argyros, the court rules as follows:

DSM's Designations	Lallemand's Objections	Court Ruling	Lallemand's Counter-Designations	DSM's Objections to Lallemand's Counter-Designations	DSM's Counter Designations	Court Ruling
14:15-15:4		Strike 14:21-22; 15:1.				
16:16-17:10		Strike 16:16-17.				
38:11-39:9	<i>Incomplete</i> (FRE 106); <i>Prejudicial/Confusing/Misleading</i> (FRE 403)	Overruled.	38:8-10 39:10-12 39:22-40:21	39:22-40:21: Beyond the scope of initial designation; hearsay (FRE 802)		Overruled.
95:5-105:11	<i>Includes Attorney Objections</i> (FRE 611(a))	Sustain: 95:81; 96:3,13,19; 97:16-22; 98:1-8; 100:2; 101:11-22; 102:1-7, 16-22; 103:1-22; 104:1-3. Overruled as to remainder.	94:21-95:4			
118:16-118:18	<i>Lack of Foundation</i> (FRE 102-105); <i>Irrelevant</i> (FRE 402); <i>Prejudicial/Confusing/Misleading</i> (FRE 403);	Overruled.	116:15-117:2			

	<i>Lack of Personal Knowledge</i> (FRE 602); <i>Hearsay</i> (FRE 802); <i>Authenticity</i> (FRE 901); <i>Includes Attorney Objections</i> (FRE 611(a))				
119:13-122:12	<i>Lack of Foundation</i> (FRE 102-105);	Sustain: 120:4,12; 121:11-22; 122:1-22; also delete 123:1. Overruled as to remainder.	122:13-18 122:20-123:1		
123:22-130:8	<i>Irrelevant</i> (FRE 402); <i>Prejudicial/Confusing/Misleading</i> (FRE 403); <i>Lack of Personal Knowledge</i> (FRE 602); <i>Hearsay</i> (FRE 802); <i>Authenticity</i> (FRE 901); <i>Includes Attorney Objections</i> (FRE 611(a))	Sustain: 123:1; 124:1-24; 125:1-130:8; Overruled as to remainder.			
131:12-140:14	<i>Irrelevant</i> (FRE 402); <i>Prejudicial/Confusing/Misleading</i> (FRE 403); <i>Hearsay</i> (FRE 802); <i>Includes Attorney Objections</i> (FRE 611(a))	Sustain: 132:7, 11-22; 133:1-3; 134:8, 22; 135:8; 136:2-5, 11-13, 20; 137:8, 13, 20; 138:9, 16-22; 139:1-3, 19; 140:6, 22. Overruled as to remainder.			
140:18-145:22	<i>Lack of Foundation</i> (FRE 102-105); <i>Irrelevant</i> (FRE 402); <i>Prejudicial/Confusing/Misleading</i> (FRE 403); <i>Lack of Personal Knowledge</i> (FRE 602); <i>Hearsay</i> (FRE 802); <i>Authenticity</i> (FRE 901); <i>Includes Attorney Objections</i> (FRE 611(a))	Sustain: 141:1, 19; 142:15, 22; 143:7,16,19; 144:3, 16-22; 145:1-22.			
146:6-146:10	<i>Lack of Foundation</i> (FRE 102-105); <i>Irrelevant</i> (FRE 402); <i>Prejudicial/Confusing/Misleading</i> (FRE 403); <i>Lack of Personal</i>	Sustain.			

	Knowledge (FRE 602); Hearsay (FRE 802)				
147:9-147:17	Lack of Foundation (FRE 102-105); Irrelevant (FRE 402); Prejudicial/Confusing/Misleading (FRE 403); Lack of Personal Knowledge (FRE 602); Hearsay (FRE 802)	Sustain.			
148:8-149:8	Lack of Foundation (FRE 102-105); Irrelevant (FRE 402); Prejudicial/Confusing/Misleading (FRE 403); Lack of Personal Knowledge (FRE 602); Hearsay (FRE 802); Includes Attorney Objections (FRE 611(a))	Sustain.			
149:18-150:6	Lack of Foundation (FRE 102-105); Irrelevant (FRE 402); Prejudicial/Confusing/Misleading (FRE 403); Lack of Personal Knowledge (FRE 602); Hearsay (FRE 802)	Overruled.			
150:10-155:9	Lack of Foundation (FRE 102-105); Prejudicial/Confusing/Misleading (FRE 403); Lack of Personal Knowledge (FRE 602); Hearsay (FRE 802); Includes Attorney Objections (FRE 611(a))	Sustain: 151:9-21; 152:16; 153:1, 7; 154:1, 4, 22; 155:1-9. Overruled as to remainder.			
155:13-164:1	Includes Attorney Objections (FRE 611(a))	Sustain: 156:4l9; 158:7 (after word “presentation”) to 11, 17; 159:6, 16; 160:1-10, 16; 161:2-22; 162:3,6; 163:4-13.			
Exhibit 5 (PTX 486)	Lack of Foundation (FRE 102-105); Irrelevant (FRE 402); Prejudicial/Confusing/Misleading (FRE 403); Lack of Personal Knowledge (FRE 602);	Overruled.			

	<i>Hearsay</i> (FRE 802); <i>Authenticity</i> (FRE 901)					
Exhibit 6 (PTX 240)	<i>Objection withdrawn</i>					
Exhibit 7 (PTX 241)	<i>Lack of Foundation</i> (FRE 102-105); <i>Irrelevant</i> (FRE 402); <i>Prejudicial/Confusing/Misleading</i> (FRE 403); <i>Lack of Personal Knowledge</i> (FRE 602); <i>Hearsay</i> (FRE 802); <i>Authenticity</i> (FRE 901)	Overruled.				
Exhibit 8 (PTX 242)	<i>Lack of Foundation</i> (FRE 102-105); <i>Irrelevant</i> (FRE 402); <i>Prejudicial/Confusing/Misleading</i> (FRE 403); <i>Lack of Personal Knowledge</i> (FRE 602); <i>Hearsay</i> (FRE 802); <i>Authenticity</i> (FRE 901)	Reserved.				
Exhibit 9 (PTX 243)	<i>Lack of Foundation</i> (FRE 102-105); <i>Prejudicial/Confusing/Misleading</i> (FRE 403); <i>Lack of Personal Knowledge</i> (FRE 602); <i>Hearsay</i> (FRE 802)	Overruled.				

Entered this 3rd day of May, 2018.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge